

<p style="text-align: right;">Page 1</p> <p>1 Volume: I 2 Pages: 66 3 Exhibits: 11 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF MASSACHUSETTS 6 7 CARLOS A. AGUIAR 8 Plaintiff 9 vs. Docket No. 04-12011-MLW 10 LIMA & CURA FISHING CORPORATION, 11 Defendant 12 13 INTERPRETED DEPOSITION of JOSE LIMA, a 14 witness called by and on behalf of the Plaintiff, taken 15 pursuant to the Federal Rules of Civil Procedure, 16 interpreted by Maria Margaret Furtado before Cynthia F. 17 Stutz, Certified Shorthand Reporter and Notary Public 18 in and for the Commonwealth of Massachusetts, at the 19 offices of Latti & Anderson, 46 Union Street, New 20 Bedford, Massachusetts, on Wednesday, November 9, 2005, 21 commencing at 11:04 a.m. 22 23 24</p>	<p style="text-align: right;">Page 3</p> <p>1 INDEX 2 3 WITNESS: DIRECT CROSS REDIRECT RECROSS 4 Jose Lima 4 5 6 EXHIBITS: DESCRIPTION PAGE 7 1 Photograph 4 8 2 Photograph 4 9 3 Photograph 4 10 4 Photograph 4 11 5 Photograph 4 12 6 Photograph 4 13 7 Photograph 4 14 8 Photograph 4 15 9 Photograph 4 16 10 Photograph 4 17 11 Photograph 4 18 19 20 21 22 23 24 *ALL EXHIBITS RETAINED BY ATTORNEY BERG *</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 DAVID J. BERG, ESQ. 3 Latti & Anderson, LLP 4 30-31 Union Wharf 5 Boston, Massachusetts 02109 6 on behalf of the Plaintiff 7 JOSEPH A. REGAN, ESQ. 8 Regan & Kiely, LLP 9 85 Devonshire Street 10 Boston, Massachusetts 02109 11 on behalf of the Defendant 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 4</p> <p>1 PROCEEDINGS 2 IT IS HEREBY STIPULATED AND AGREED BY 3 AND BETWEEN COUNSEL that the reading and signing of the 4 deposition by the deponent shall be done within thirty 5 days; that the notarization of the signature and the 6 filing of the deposition be waived; and that all 7 objections, except as to form, and motions to strike be 8 reserved for the time of trial. 9 (Exhibit Nos. 1 - 11 marked 10 for identification.) 11 * * * * 12 Whereupon: 13 JOSE LIMA, 14 having been satisfactorily identified and duly sworn by 15 the Notary Public, was examined and testified as 16 follows: 17 *Q* DIRECT EXAMINATION 18 BY MR. BERG: 19 Q. Could you state your name, please? 20 A. Jose Lima. 21 Q. Your address? 22 A. 95 Bonney Street. 23 Q. What town? 24 A. New Bedford.</p>

1 (Pages 1 to 4)

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1 Q. What did you see when Carlos got hurt?
 2 A. What did I see?
 3 Q. Yeah.
 4 A. I saw that he put the chain through, meanwhile
 5 the boat went to one side. I think the net, the
 6 fishing net was a little heavier because of the mud and
 7 all that and he didn't pull his hand out quick enough
 8 and the pistol opened up and caught him on his finger.
 9 MR. BERG: Could you just read that
 10 back, please?
 11 (Answer read back by the reporter.)
 12 Q. Okay. So before he got hurt, you had pulled
 13 the door up to the position shown in the top right of
 14 Exhibit 4?
 15 A. Not the top one. Not the top there.
 16 Q. I mean you had put the door into the position?
 17 A. Yes.
 18 Q. Let me rephrase that. Before Carlos got hurt
 19 you had pulled the door into the position shown in the
 20 top right picture of Exhibit 4?
 21 A. Yes.
 22 Q. Carlos then went to hook up the chain into the
 23 pistol?
 24 A. Yes, he did this job here.

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1 MR. REGAN: For the record, he's pointed
 2 to the right-hand photo in Exhibit 3 when he said this
 3 is the job.
 4 Q. And did you see him put the chain over the
 5 hook of the pistol?
 6 A. Yes, I saw him putting it in and then when he
 7 was pulling the pistol, that's when it happened,
 8 because it pulled and that thing came back and cut him
 9 on his hand.
 10 Q. So you saw him -- Let's just do it slowly,
 11 because of the translator. You saw him put the chain
 12 over the hook of the pistol?
 13 A. It's the other way. You put the hook onto the
 14 chain.
 15 Q. Okay. You put the hook into the chain.
 16 THE WITNESS: Yeah.
 17 Q. So the hook is open?
 18 A. Yes, it was open.
 19 Q. And Carlos put the hook into the chain?
 20 A. Yes.
 21 Q. And then he closed the hook?
 22 A. And when he went to close it, that's when the
 23 door -- the chain got straightened out and he didn't
 24 have time enough to take the hand out and that piece

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1 came down. It came down and hit him on his finger.
 2 Q. He had the hook -- Before he got hurt he had
 3 the hook closed, is that right?
 4 A. No, it's always opened. If you not working
 5 with it, then it's opened. If the doors are in the
 6 water they're open.
 7 Q. But after he put the hook through the chain,
 8 did he close the hook?
 9 A. When he was going to close it, that's when it
 10 happened.
 11 Q. I see. Did you ever see if he started pulling
 12 the ring down to lock the hook?
 13 A. Yes, he had both hands, he was working with
 14 both hands. He was pulling it down, that's when it
 15 happened.
 16 Q. He was holding the hook closed with one hand
 17 and pulling the ring down with the other?
 18 A. Exactly.
 19 Q. Which hand was he holding the hook closed
 20 with?
 21 A. I think the left one.
 22 Q. And he was pulling the ring down with his
 23 right hand?
 24 A. In my opinion -- It might have been the right

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1 hand. The hand that he had the accident with was the
 2 one that was holding the --
 3 Q. Hook?
 4 A. The hook closed. I think it might be the
 5 right one.
 6 Q. And he never got the ring over the hook, is
 7 that right?
 8 A. If he did, he wouldn't have had the accident.
 9 Q. Okay. So he never got the ring over the hook
 10 and then the hook opened up?
 11 A. Yes.
 12 Q. And he got his finger caught?
 13 A. Exactly.
 14 Q. How close did he get the ring to the hook
 15 before the hook opened up?
 16 A. That I couldn't tell you. It had to be a
 17 distance lower than this showing here, because it never
 18 closed, so if it came farther down, it would have held
 19 it together.
 20 Q. And you said the chain got straightened out?
 21 A. It had to be, because the thing opened and it
 22 opened when the chain got straightened out.
 23 Q. And this is the chain going to the door?
 24 A. Exactly.

11 (Pages 41 to 44)